

GAHC010060492024



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THE GAUHATI HIGH COURT
(HIGH COURT OF ASSAM, NAGALAND, MIZORAM AND ARUNACHAL PRADESH)

Case No. : CRP(IO)/111/2024

BAJAJ ALLIANZ GENERAL INSURANCE COMPANY LIMITED
HAVING ITS REGISTERED AND HEAD OFFICE AT GE PLAZA, AIRPORT
ROAD, YERWADA, PUNE- 411006, MAHARASHTRA AND ITS BRANCH
OFFICE AT 2ND FLOOR, SREEJI TOWER, ADJACENT TO MAHINDRA
SHOWROOM, CHRISTIAN BASTI, G.S. ROAD, GUWAHATI-781006,
REPRESENTED BY ITS EXECUTIVE LEGAL OFFICER.

VERSUS

GIRIKANTA MAHANTA AND 5 ORS.
S/O- HEMKANTA MAHANTA, R/O- VILL.- MEKANAR CHUBURI, P.O.
BIHAGURI, P.S. TEZPUR, DIST. SONITPUR, ASSAM, PIN- 784153.

2:KIRU GURIA
S/O- GABREEL GURIA
R/O- VILL.- PURANI GHAGRA
BINDUKURI
P.S. TEZPUR
DIST.- SONITPUR
ASSAM
PIN- 784502.

3:UTTAM TANTI
S/O- KHIROD TANTI
R/O- VILL.- KATHALGURI TEA ESTATE
P.O. BINDUKURI
P.S. TEZPUR
DIST. SONITPUR
ASSAM
PIN- 784502.

4:THE STATE OF ASSAM

REPRESENTED BY THE ADDITIONAL CHIEF SECRETARY

HOME AND POLITICAL DEPARTMENT
GOVERNMENT OF ASSAM
DISPUR
GUWAHATI-781006

5:THE ADDITIONAL CHIEF SECRETARY
TRANSPORT DEPARTMENT
GOVERNMENT OF ASSAM
DISPUR
GUWAHATI-781006

6:THE OFFICER-IN-CHARGE
TEZPUR POLICE STATION

DISTRICT- SONITPUR
ASSAM

Advocate for the Petitioner : MR T KALITA, MR. A KAKATI

Advocate for the Respondent : MR. D NATH (R-4,5,6),

Linked Case : CRP/44/2025

SUBARNALATA DAS
W/O LATE ANJAN KUMAR DAS
RESIDENCE OF M.C ROAD
UZAN BAZAR
PANBAZAR
DISTRICT- KAMRUP (M)
ASSAM
PHONE NO- 8638739454

VERSUS

MAHESWARI INDUSTRIES AND 2 ORS
CARE OF MAHESH KUMAR
P
S. JALUKBARI
DIST- KAMRUP (M)
ASSAM (OWNER OF THE OFFENDING VEHICLE NO. AS 01 MC 7520)

2:AMRIT KOCH
MANIK KOCH
VILL- BOKO
DIST- KAMRUP (R)
ASSAM (DRIVER OF THE OFFENDING VEHICLE NO. AS-01 MC-7520)

3:UNITED INDIA INSURANCE CO. LIMITED
GODREJ BUILDING
ULUBARI
GUWAHATI
DIST- KAMRUP (M)
ASSAM

Advocate for : MR MINTU SAIKIA
Advocate for : MR. S RAHMAN (R-1) appearing for MAHESWARI INDUSTRIES
AND 2 ORS

Linked Case : CRP(IO)/257/2024

ICICI LOMBARD GENERAL INSURANCE COMPANY LIMITED
HAVING ITS REGISTERED OFFICE AT SHRI SIDDHI VINAYAK GANAPATI
MANDIR

ICICI LOMBARD HOUSE 414
P. BALU MARG

SVS ROAD
PRABHADEVI
MUMBAI- 400025

ITS ZONAL OFFICE ZONAL OFFICE AT 7TH FLOOR
APEEJAY HOUSE
15
PARK STREET
KOLKATA- 700016 AND ITS BRANCH OFFICE AT 3RD FLOOR
KAMAKHYA TOWER

G.S. ROAD
CHRISTIAN BASTI
GUWAHATI- 781005
REPRESENTED BY THE LEGAL MANAGER.

VERSUS

JAYA NARZARY AND 5 ORS
WIFE OF LATE BILIFANG NARZARY

RESIDENT OF VILLAGE- NEW BALAJAN

POST OFFICE- KARIGAON

POLICE STATION- KOKRAJHAR
BTAD

ASSAM
PIN- 783373.

2:DERSUNG NARZARY
SON OF LATE BILIFANG NARZARY

RESIDENT OF VILLAGE- NEW BALAJAN

POST OFFICE- KARIGAON

POLICE STATION- KOKRAJHAR
BTAD

ASSAM
PIN- 783373.

(RESPONDENT BEING MINOR IS REPRESENTED BY THE RESPONDENT NO.
1).

3:BIRSAR NARZARY
SON OF LATE BILIFANG NARZARY

RESIDENT OF VILLAGE- NEW BALAJAN

POST OFFICE- KARIGAON

POLICE STATION- KOKRAJHAR
BTAD

ASSAM
PIN- 783373.

(RESPONDENT BEING MINOR IS REPRESENTED BY THE RESPONDENT NO.
1).

4:SANJIB NARZARY
SON OF LATE GAJEN NARZARY

RESIDENT OF VILLAGE- ALFAGAON

POST OFFICE- SERFANGURI

POLICE STATION- SERFANGURI

DISTRICT- KOKRAJHAR
BTAD
ASSAM

PIN- 783346..

(OWNER OF THE VEHICLE - AS-16 ER-4495)

5:RANJIT BASUMATARY
SON OF LATE LOKEN BASUMATARY

RESIDENT OF VILLAGE- UTTAR PATGAON

POST OFFICE- SERFANGURI

POLICE STATION- SERFANGURI

DISTRICT- KOKRAJHAR
BTAD
ASSAM

PIN- 783346.
(DRIVER OF THE VEHICLE -AS 16 ER-4495).

6:THE BRANCH MANAGER
RELIANCE GENERAL INSURANCE COMPANY
5TH FLOOR
PRAG PLAZA
BHANGAGARH
G.S. ROAD
GUWAHATI-- 781005.
(INSURER OF THE VEHICLE- AS 16 G- 2369).

Advocate for : MR T KALITA
Advocate for : MR. T DEURI(R-1
4

5) appearing for JAYA NARZARY AND 5 ORS

Linked Case : CRP/140/2023

MOSTAFIZUR RAHMAN @ MUSTAFIZUR RAHMAN AND ANR
S/O AZAHAR ALI
R/O VILL-MOINBARI
P.O.-NIZ MOINBARI
P.S.-KALGACHIA
DIST-BARPETA
ASSAM (BEING MINOR REPRESENTED BY HIS FATHER
PETITIONER NO. 2)

2: AZAHAR ALI
S/O MAYNAL HAQUE
R/O VILL-MOINBARI
P.O.-NIZ MOINBARI
P.S.-KALGACHIA

DIST-BARPETA
ASSAM
VERSUS

WAZED ALI AND ANR
S/O ATOWAR RAHMAN
R/O VILL-BANGHUGI
P.O.-BANGHUGI
P.S.-KALGACHIA
DIST-BARPETA
ASSAM
PIN-781319

2:ICICI LOMBARD GENERAL INSURANCE CO. LTD.
REPRESENTED BY ITS LEGAL MANAGER
ADDRESS- 3RD FLOOR
KAMAKHYA TOWER
ROAD
GUWAHATI
ASSAM
PIN-781005

Advocate for : G UDDIN
Advocate for : appearing for WAZED ALI AND ANR

Linked Case : CRP/32/2025

BIJIT GONDHIA @ BIJIT GANDHIA AND ANR
S/O- THOLOK GANDHIA
R/O- BONGAL GAON
P.O- DERGAON
P.S- DERGAON
DIST- GOLAGHAT
ASSAM
PIN- 785614

2: MRIDU SPONDON GONDHIA
S/O SRI BIJIT GONDHIA
R/O- BONGAL GAON
P.O- DERGAON
P.S- DERGAON
DIST- GOLAGHAT
ASSAM
PIN- 785614 (BEING MINOR
REPRESENTED BY PETITIONER NO. 1)
VERSUS

NRIPEN SAIKIA AND ANR

S/O- LATE UMESWAR SAIKIA
R/O- HATIAKHOWA
P.O- HATIAKHOWA
P.S- DERGAON
DIST- GOLAGHAT
ASSAM
PIN- 785626

2:NATIONAL INSURANCE COMPANY LIMITED
GOLAGHAT BRANCH
HEMCHANDRA GOSWAMI PATH
P.O.- GOLAGHAT
DIST- GOLAGHAT
ASSAM
PIN-785621
REPRESENTED BY ITS BRANCH MANAGER

Advocate for : MR. M DUTTA
Advocate for : MR. P J BARMAN (R2) appearing for NRIPEN SAIKIA AND ANR

Linked Case : CRP(IO)/187/2025

SHRIRAM GENERAL INSURANCE COMPANY LIMITED
HAVING ITS CORPORATE AND REGISTERED OFFICE AT E-8
EPIP
RIICO INDUSTRIAL AREA
SITAPURA
JAIPUR
RAJASTHAN
INDIA
PIN-302022 AND ONE OF THE BRANCH OFFICES AT B.R. ARCADE
3RD FLOOR
OPPOSITE TO PRIYA PALACE HOTEL
21
JANAPATH
ULUBARI
GUWAHATI-781007
KAMRUP
ASSAM

VERSUS

MD EKRAMUL HUSSAINAND 2 ORS.
S/O ABDUL HAKIM
P/R/O VILL- UTTAR PUTA KALONG
MAZULI
P.S.- RUPAHIHAT
DIST- NAGAON

ASSAM
PIN-781318

2:DIBYA MORAN
S/O MODESWAR MORAN
R/O VILL- BETONI
P.S.- DIGBOI
P.O.- MAMORONI (MAKUM)
DIST- TINSUKIA
ASSAM
PIN-786170

3:DIPEN TANTI
S/O SAMARU TANTI
R/O VILL- PANKIAL GAON
P.S.- GOLAGHAT
DIST- GOLAGHAT
PIN-785702

Advocate for : MR. A J SAIKIA
Advocate for : appearing for MD EKRAMUL HUSSAINAND 2 ORS.

Linked Case : CRP/141/2023

BILLAL HUSSAIN @ BILLAL HASSAN
S/O ABDUL GOFUR
R/O VILL- NEAR GARAM
DABONDIA
P.O.-GUNIALGURI
P.S.-KALGACHIA
DIST- BARPETA
ASSAM
PIN-

VERSUS

WAZED ALI AND ANR
S/O ATOWAR RAHMAN
R/O VILL-BANGHUGI
P.O.-BANGHUGI
P.S.-KALGACHIA
DIST-BARPETA
ASSAM
PIN-781319

2:ICICI LOMBARD GENERAL INSURANCE CO. LTD.
REPRESENTED BY ITS LEGAL MANAGER

ADDRESS- 3RD FLOOR
KAMAKHYA TOWER
ROAD
GUWAHATI
ASSAM
PIN-781005

For the Petitioner(s) : Mr. T. Kalita, Advocate
: Mr. G. Uddin, Advocate
: Mr. M. Dutta, Advocate

For the Respondent(s) : Mr. D. Nath, Sr. Government Advocate
: Mr. R. Sahani, Advocate
: Mr. T. Deuri, Advocate
: Ms. L. Wangsa, Advocate

**BEFORE
HONOURABLE MR. JUSTICE DEVASHIS BARUAH**

ORDER

Date : 24.07.2025

Heard Mr. T. Kalita, the learned counsel appearing on behalf of the petitioners and Mr. D. Nath, the learned Senior Government Advocate appearing on behalf of the Home Department as well as the Transport Department of the Government of Assam.

2. This Court has perused the affidavits which have been filed by the Transport Department as well as the Home Department.

3. From a perusal of the affidavit which has been filed by the Transport Department and more particularly the various enclosures annexed therein, it appears that there has been certain active steps taken by the Head of the Lead Agency on Road Safety insofar as the implementation of the directions passed by the Supreme Court in the case of ***Gohar Mohammed Vs. Uttar Pradesh State Road Transport Corporation and***

Others reported in (2023) 4 SCC 381.

4. This Court has also perused the affidavit filed by the Home Department wherein it is seen that certain officials have been made Nodal Officers for the purpose of the implementation of the judgment in the case of ***Gohar Mohammed (supra)***.

5. This Court enquired with Mr. D. Nath, the learned Senior Government Advocate as to how the implementation would be carried out by the Nodal Officers taking into account that the Officer-in-Charge of the respective Police Station or the Out-Post would be the first responder to the accident.

6. Mr. D. Nath, the learned Senior Government Advocate submits that he would obtain instruction in that regard.

7. Accordingly, list this matter again on 21.08.2025 for an update.

8. Interim order passed earlier shall continue till the next date.

JUDGE

Comparing Assistant